

Minutes of the Special and Regular Meeting October 28, 2003.

Twin Pines Senior and Community Center, 1223 Ralston Avenue.

SPECIAL MEETING:

CLOSED SESSION, 7:00 P.M.

A. Conference with Legal Counsel, pursuant to Government Code Section 54956.9(b):

1. Anticipated Litigation, One Case

Attended by Councilmembers Feierbach, Bauer, Wright, City Manager Kersnar, City Attorney Savaree, Attorney Lee Rosenthal, Assistant City Manager Rich, Finance Director Fil. Councilmembers Warden and Metropulos recused themselves from this item. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:28 P.M., this Closed Session was adjourned.

This meeting was not tape-recorded.

Terri Cook

City Clerk

REGULAR MEETING - 7:37 P.M.

ROLL CALL

Councilmembers Present: Feierbach, Metropulos, Warden, Bauer, Wright

Councilmembers Absent: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Public Works Director Davis, Finance Director Fil, City Clerk Cook.

Pledge of Allegiance

Led by City Clerk Cook.

ANNOUNCEMENT OF CLOSED SESSION ITEM

Mayor Wright announced that direction had been given, but no action taken, on the Closed Session held earlier in the evening.

SPECIAL PRESENTATIONS

Resolution of Appreciation for Visioning Committees.

Mayor Wright read the Resolution of Appreciation for the members of the Visioning Committees who had worked for the past several months to produce Belmont's Vision Statement adopted at the previous Council meeting. He asked committee members present in the audience to stand to be recognized and noted that special recognition should be given to the editing committee.

PUBLIC COMMENTS AND ANNOUNCEMENTS

George Kranen, Notre Dame Avenue, announced that the Kiwanis Club's Child Safety Campaign recently held at Charles Armstrong School had been successful. He also requested that the paving contractors be assigned to only one project at a time, since they were not finishing when they said they would. He added that the quality of work is good.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wright announced that the Groundbreaking Ceremony for the City Hall/Police Facility would be held at 1:00 p.m. on November 12. He also announced that the Council reorganization, including swearing in of new officials, would take place that same evening.

City Manager Kersnar announced that November 4 was Election Day.

AGENDA AMENDMENTS

City Manager Kersnar stated that Items 4D (Resolution Approving a Permanent Encroachment Agreement for Construction of a Fence within the Public Land at 507 Davey Glen Road) and 4E (Resolution Modifying a Scenic Easement for the Preservation of Scenic Values on Properties of the Ross Woods Development located at 1 Davey Glen Road) would be removed from the agenda for separate consideration.

Councilmember Metropulos requested the removal of Item 4-I (Resolution in support of Measure I on the November 4, 2003, Municipal Election) for separate consideration.

ITEMS APPROVED ON THE CONSENT CALENDAR

Motion to waive reading of Ordinances.

Approval of Ordinance 993 Adopting Amendments to Chapter 13, Belmont Municipal Code, Massage Ordinance (second reading and adoption).

Approval of Resolution 9478 Accepting a mini-grant from the Office of Traffic Safety for the California Seat Belt Compliance Campaign (CSBCC) for an amount not to exceed \$4,646.

Approval of Resolution 9479 Approving Subleases with Silicon Valley Art Museum Subtenants.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Warden, the Consent Agenda, as amended, was unanimously approved by a show of hands.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE CONSIDERATION:

Resolution Approving a Permanent Encroachment Agreement for Construction of a Fence within the Public Land at 507 Davey Glen Road

Community Development Director Ewing reviewed the Ross Woods Project, which began in 1991. He commented that the final subdivision resulted in three parcels, one of which abutted the single-family residence at 507 Davey Glen. He clarified that this parcel was dedicated to the City for a park.

Public Works Director Davis stated that the owner of 507 Davey Glen purchased the property in 1971, at which time a fence was erected using an inaccurate survey. He further stated that Regis Homes, the developer of the Ross Woods Project, recognized the error during the development phase of the project. He clarified that a permanent encroachment permit was recommended as a remedy. He further clarified that the encroachment permit would require the owner to maintain the fencing, and provided for the City's ability to take the property back later if needed for development of the park planned for the adjacent parcel.

In response to Council questions, Public Works Director Davis stated that the survey for Ross Woods was performed in 2001. City Attorney Savaree clarified that a prescriptive easement was not available on public lands. She further clarified that an easement is revocable, and the public benefit was

risk management, since the adjacent property was planned for a park. She also responded that the land could be sold to the adjacent property owner, although there may be some difficulty in doing so because of the parkland designation.

Council discussion ensued. In response to questions regarding fence value, Parks and Recreation Director Mittelstadt confirmed that this amount would be approximately \$1,000.

Councilmember Warden stated that the parkland is worth more than the value of the fence. He stated he would prefer to negotiate for the purchase of the land. Councilmember Feierbach agreed.

Councilmember Metropulos stated that since the easement is revocable, the issue could be dealt with at a later date.

Councilmember Bauer stated that this situation had been going on for 30 years, and that it may be some time before the park is developed.

Mayor Wright stated that the owner attempted to do the right thing by installing the fence, and since the easement was revocable, it should be left alone at this time.

Action: A motion was made by Councilmember Bauer, seconded by Mayor Wright, to approve a permanent encroachment permit for construction of a fence at 507 Davey Glen Road.

Action: a substitute motion was made by Councilmember Warden, seconded by Councilmember Feierbach, to deny a permanent encroachment permit for construction of a fence at 507 Davey Glen Road. This motion failed by a roll call vote of 2-3 (Warden, Feierbach yes to deny; Wright, Bauer, Metropulos no to deny).

Action: On the primary motion made by Councilmember Bauer, seconded by Mayor Wright, a permanent encroachment permit for construction of a fence at 507 Davey Glen Road was approved by a roll call vote of 3-2 (Warden, Feierbach no).

Resolution Modifying a Scenic Easement for the Preservation of Scenic Values on Properties of the Ross Woods Development located at 1 Davey Glen Road.

Senior Planner de Melo described the three parcels that were created as a result of the Ross Woods development. He clarified that one parcel was

designated for the single-family homes, one parcel contained Dr. Lee's residence, and the third parcel was to remain unimproved. He clarified that the development agreement did not permit fencing in the unimproved area. He stated that in August, fencing was installed. He clarified that the applicant was requesting an amendment to the agreement to allow some of that fencing to remain. He stated that the issues were wildlife ingress and egress, and safety.

In response to Council questions, Senior Planner de Melo clarified that 75-80 percent of the prohibited fencing had already been installed, and that it was discovered through code enforcement.

Parks and Recreation Director Mittelstadt stated that some of the fencing may be desired as part of the future park development.

Charisse Lee, One Davey Glen (on behalf of the owner), stated that the fencing was installed to minimize the liability of the private open space. She further stated that the fence does not violate the purpose of the open space; that it is a scenic easement only, but was still private property. She commented that there were openings in the fencing elsewhere on the property for ingress and egress of deer, and that she has seen deer jump the fence. She added that there had been a fence located in this area at one time, and the applicant was seeking to maintain that previous fencing.

Phil Mathewson, Chair, Planning Commission, suggested that a two-rail fence could be installed for the wildlife.

Council discussion ensued.

Councilmember Bauer stated that he agreed with the liability issue, and also stated that deer can jump an eight-foot fence. He suggested a compromise for the protection of liability.

Councilmember Metropulos stated that liability is a compelling issue. In response to his question regarding the development agreement, Senior Planner de Melo confirmed that the agreement specifically stated that no fencing was permitted on the unimproved parcel.

Councilmember Warden stated that he wants this area to remain open, that this was the purpose of the language in the development prohibiting fencing.

Robert Gorran, Camino Vista Court, stated that he purchased his property in 1958. He said he built fences on his side yards along with his neighbors,

but that he installed mesh fencing at the back end of his property to view wildlife. He does not feel the additional fence is needed.

Action: On a motion by Councilmember Warden, seconded by Councilmember Feierbach to deny a Resolution Modifying a Scenic Easement for the Preservation of Scenic Values on Properties of the Ross Woods Development located at 1 Davey Glen Road was approved by a roll call vote of 3-2 (Bauer/Wright, no).

Resolution in Support of Measure I on the November 4, 2003, Municipal Election

Assistant City Manager Rich outlined the provisions of the \$88 per-parcel tax for South County Fire services which was on the November 4, 2003 ballot.

Councilmember Metropulos stated that \$88 per year is a small price to pay for quality service, and that costs have increased while revenues have decreased.

Councilmember Warden stated that in the private sector, when sales are down, companies lay people off. He clarified that government demands increase, not decrease, and revenues are reduced. He added that one cannot compare the two. He stated that if Measure I fails, there will be layoffs and South County Fire will need to close down a truck company.

Councilmember Bauer stated that he has endorsed this measure, but that South County Fire still needs to consider consolidation throughout the duration of the seven-year tax.

Action: On a motion by Councilmember Metropulos, seconded by Councilmember Warden, Resolution 9481 in Support of Measure I on the November 4, 2003, Municipal Election, was unanimously approved by a show of hands.

OLD BUSINESS

FY 2004 Budget - Discussion and Direction regarding implementation of Budget Correction Plan "Schedule B".

City Manager Kernsar stated that budget modifications would have been taken up at the mid-year review in January, but was being brought forward at this time due to State budget impacts. He reviewed the background of the Budget Correction Plan, and clarified that Council had previously reduced the overall budget by \$1.3 million, or ten percent. He explained that Schedule B

involved deeper cuts. He stated that over the past two years, the City has reduced its budget by \$1.6 million, and Schedule B would bring that total to \$2.1 million.

City Manager Kersnar reviewed the items included in Schedule B, and stated that implementation would result in an additional reduction of approximately \$500,000, which will likely impact City services. He reviewed the furlough plan, which will shut down City Hall, except for public safety, for four days during the upcoming holidays. He clarified that the labor groups were in agreement with the plan, and he explained that employees required to be on duty during the furlough would be required to take days off later in the year. He commented that he was proud of the employee groups, who helped design a furlough plan with minimal impact. He clarified that positions included on Schedule B were not permanently filled, and would not result in any layoffs.

City Manager Kersnar stated that future State budget issues may additionally impact the City's budget, and these issues would be reviewed at the mid-year Budget discussion. He clarified that most discretionary spending had already been eliminated.

Council discussion ensued.

In response to Councilmember Feierbach's question regarding funding for the Visioning efforts, Community Development Director Ewing clarified that this had been funded through the Redevelopment Agency. Councilmember Feierbach suggested reducing Council expenditures to \$5,000, and stated that she was investigating how other cities were funding their General Plan Updates.

In response to Council questions regarding the Parks and Recreation items, Parks and Recreation Director Mittelstadt clarified that the expansion to the Teen Program at Barrett would result in lost rental revenue at the 1870 Gallery, and will require additional staff. He also stated that field maintenance might get delayed.

Action: Councilmember Feierbach made a motion to approve Schedule B, amended to include reduction of Council discretionary spending from \$2,000 to \$1,000 each. There was no second on this motion.

Mayor Wright stated that Councilmembers often represent the community at events such as those sponsored by the Chamber.

City Manager Kersnar stated that Council Protocols would be reviewed in December, and Councilmember spending allocations could be discussed at that time.

Mayor Wright suggested reallocating the \$7,800 earmarked for Pop Warner to turf repair, since turf issues affect a greater number of people.

Councilmember Warden suggested eliminating the Teen Program and Park Maintenance items from Schedule B, for a total of \$16,000.

Action: On a motion by Mayor Wright, seconded by Councilmember Warden, Budget Correction Plan Schedule B, as amended with a reduction of Council expenditures to \$5,000, removal of the Teen Program expansion, and removal of the repairs to parks/fields, was unanimously approved by a show of hands.

RECESS: 9:20 P.M.

RECONVENE: 9:27 P.M.

Consideration of Economic Development Strategy.

Janet Smith-Heimer, Bay Area Economics, reviewed the Economic Development Strategy Report, prepared under the direction of the Economic Development Committee. She reviewed the economic development mission statement, and summarized the goals set forth therein. She also reviewed the proposed policies, which included a focus on the arts community and Notre Dame de Namur University. She also stated that the report included quality of life issues, including affordable housing. She stated that the Economic Development Committee would be prioritizing the goals and making a recommendation regarding the implementation of the strategies. She commented that the Committee also recommended holding an Economic Summit.

Council discussion ensued regarding details of the plan.

Councilmember Feierbach stated that areas not addressed were Ralston Avenue to Highway 101, and Old County Road. She stated that Belmont had many incubator businesses that needed to be taken care of. She also stated that the report included too much emphasis on the arts, which does not bring much money in to Belmont. She added that there was a great deal of potential on the east side of the freeway. Community Development Director Ewing responded that the arts is unique to Belmont, unlike other industries.

Councilmember Warden stated that the Harbor Industrial Area was not mentioned. Community Development Director Ewing clarified that because of the ongoing discussions regarding that area, it was specifically omitted from the report.

Councilmember Bauer stated that the goals outlined in the report were long-term, and that it identified areas in Belmont that could be enhanced.

Councilmember Warden noted that an Economic Development Director is needed to implement the plan. He commented that the content of the report was good, and agreed that it was heavy on the arts.

Councilmember Metropulos agreed that an Economic Development Director was needed now that there are goals to implement.

Mayor Wright stated that the report was excellent, and contained specifics as well as proposed policies. He added that staffing is critical, and that it was important to differentiate Belmont through the arts, since they provide the potential for related activities. He stated that missing from the report was how to fund over the long term, and that he was concerned about the potential for incrementalism.

Council concurred to schedule an Economic Summit in the near future.

Presentation of Financial Statements for the City of Belmont FY 02-03 (continued from October 14, 2003.)

Finance Director Fil reviewed the principles outlined in GASB 34 (Governmental Accounting Standards Board), which is designed to make financial reporting easier to understand. He commented that this program includes a full accrual of all assets. He reviewed the changes made in financial reporting, including new sections and new layers. He clarified that this program allows cities to determine net value, and to focus on programs and funding levels, and is also used for debt service. He added that Belmont was in compliance with four of the principles, and that the auditor found no adverse items. He also stated that the report resulted in a small increase in assets which will increase as more projects are completed, and commented that Belmont saved \$60,000 by implementing this program in-house.

Assistant Finance Director Park stated that Belmont received an unqualified opinion from the auditors. She reviewed assets, fund balances, and revenues and expenditure balances. She also reviewed capital assets, including depreciation. She commented that a statistical section was included in the report.

City Manager Kersnar congratulated staff for its work in implementing this program in-house.

NEW BUSINESS

Presentation of Performance Budgeting Results for Fiscal Year 2002-03.

Assistant City Manager Rich reviewed the goals of Performance Budgeting, and stated that the Police, Finance, and Parks and Recreation Departments had completed their first full year in the new program. He clarified that the first-year results provided a baseline for subsequent years, and would be used for future policies and funding allocations. He added that the goal is a means, not an end, and that future projects would be more performance-driven.

Action: At this time, being 10:27 P.M., on a motion made by Councilmember Warden, seconded by Councilmember Metropulos, the meeting was unanimously extended by 10 minutes by a show of hands.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Clarification regarding timing of commercial zoning amendment process to allow for cabarets.

City Manager Kersnar stated that if the Council wished for this item to go to the top of the priority list, Design Review would need to be deferred.

Community Development Director Ewing clarified that the cabaret issue involves a zoning amendment, which requires public hearings. He stated that staff was currently working on secondary dwelling units, but could take up the cabaret matter instead.

Council concurred to have this matter reprioritized before secondary dwelling units.

Mayor Wright commented that the Priority Calendar process should be followed to avoid competing priorities.

Discussion and direction regarding upcoming Planning Commission vacancies (Mathewson, Torre).

City Manager Kersnar stated that Commissioner Mathewson would be vacating his position when he is sworn in as a new councilmember, and that

Council had recently received Commissioner Torre's resignation due to her pending move out of Belmont. He suggested advertising for the vacancies.

Council concurred to have staff advertise for the Commission openings, and to allow Commissioner Torre to continue serving until her home sells.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Mayor Wright announced that the reorganization of the Council on November 12 would include the swearing in of the new Mayor.

ADJOURNMENT at this time, being 10:40 P.M.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #565